

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 5, 1947
10:30 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry - 5

Absent : None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

The Austin Transit, Inc., through its President and General Manager, Ben W. Greig, submitted an application in writing for an increase in its bus fares. Councilman Bartholomew moved that the application be received and taken under advisement for study and the City Manager and the Finance Director be instructed to examine the books of the Austin Transit, Inc., in the meantime to verify its claim that it is not making money; and that a public hearing on the matter be had at the next regular meeting. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Mr. Bob Eckhardt submitted a petition to the City Council, asking that the City take immediate steps to have the Waller Creek area connected to the sanitary sewer, requiring the property owners who are financially able to pay for same to do so, and providing some means whereby those who are unable to pay for same may do so. The matter was taken under advisement by the City Council for consideration, and Mr. Eckhardt was advised that the Council would let him know at the next regular meeting what could be done in the matter.

The following report of the Board of Adjustment on the application of Louis D. Kubecka for change in zoning of property located between

East 23 $\frac{1}{2}$ Street and East 24th Street, Swisher Street and East Avenue,
was received and filed:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant : Louis D. Kubecka

I. Referred to the Board by the City Council on : April 17, 1947

II. Property affected:

That portion of Blocks 46 and 47, Christian and Fellman
Addition located between East 23 $\frac{1}{2}$ Street and East 24th
Street, Swisher Street and East Avenue, which is now
zoned "A" Residence District.

III. To be changed

From : "A" Residence District and First Height and Area District
To : "B" Residence District and Second Height and Area District

IV. Considered by the Board on : May 6, 1947, and May 20, 1947

V. Parties appearing:

For : Louis D. Kubecka, M. A. Walden, E. J. Hood, and
A. H. Lintelman, representing several veterans'
organizations.

Against: Wm. Trenckmann for a number of property owners,
E. L. Avery, Jr., C. H. Leinbach, D. E. McArthur,
and Mrs. Werner Dornberger

VI. Action of the Board : Above change recommended

For the following reasons:

1. The applicant affirmed that he desires this change for the purpose of constructing a housing project for married students at the University of Texas, this project to be constructed of masonry with a playground in the center for the benefit of the occupants and their children, the buildings facing inward on a park area corresponding to the garden type of apartment projects approved by the Federal Housing Administration for mortgage insurance.
2. The widening of East Avenue will require 120 feet of that portion of the applicant's property which is now zoned as a "B" Residence District and would not leave sufficient

"B" zone remaining for any practical purposes, being of a shape too small to erect satisfactory housing thereon.

3. Since the widening of East Avenue will deprive the applicant of the majority of his "B" Residence property, the Board deemed that it would be only just and fair to compensate him by zoning the remainder of his property as a "B" Residence zone and that "B" Residence zoning would be the proper zoning along the proposed inter-state highway in this area.
4. After examination of the property and the surrounding area, the Board deems that a "B" Residence zone is the proper zoning for this property in view of the character of the development proposed and the additional need for housing for University students, especially married couples, and that this entire area is destined to become an area for multiple housing to serve the constantly expanding University of Texas.

(Sgd) H. F. Kuehne
Chairman "

Pursuant to published notice thereof, the public hearing on the application of Louid D. Kubecka for amendment to the Zoning Ordinance in the following particular :

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "B" Residence District, to-wit:

That portion of Blocks 46 and 47, Christian and Fellman Addition, located between East 23 $\frac{1}{2}$ and 24th Streets, bordered on the west by Swisher Street and on the east by East Avenue, in the City of Austin, Travis County, Texas,

was duly opened.

Those appearing in support of the change were:

Louis D. Kubecka, proponent, who plead for the change, declaring that he proposed to build an apartment house project to house University of Texas students and their families. He also exhibited the plans for the proposed structure;

Stewart Chamberlain, representing the veterans organizations at the University of Texas; and a number of property owners within two hundred feet of the project.

Those appearing in opposition to the change were:

Wm. Trenckmann, Attorney, representing property owners within two hundred feet of the proposed change, asked that any change made be made in accordance with established principles of zoning the same as involved

similar cases on the west side of the University; that if more "B" Residence property is needed there is ample vacant property nearer the University than this; and asked that the protest submitted to the Board of Adjustment, together with the pictures, be considered.

Mrs. Ross Bell declared that they built their home there because it was a quiet, lovely place; that this project was no solution to the University housing problem as the area was too small for adequate housing of families with children; that the proponent knew this was "A" Residence property when he bought it; and that all of the property owners in the area that have not a vacant lot to build on are against this project.

Mr. Dornberger declared that it was unfair for one man to destroy the value of the homes there in order to make a few thousand dollars; that the area in question was too small to house that large number of apartments; and that the only property owners in favor of the change are those with vacant property for speculation.

Mr. Steve Heffington declared that a majority of the property owners within two hundred feet are against the change; that they built beautiful homes there with their hard-earned money thinking it would remain "A" Residence District; that the people who went there first and invested their money have the right to be heard and they are in a large majority; that when the highway goes in there will be a great many changes and some kind of compromise should be worked out between the proponent and the property owners where justice will be done, but above all things that the will of the majority prevail.

Following a lengthy discussion, in which all property owners and other interested citizens were given an opportunity to be fully and fairly heard, on the matter, it was moved by Mayor Miller, seconded by Councilman Glass, that the recommendations of the Board of Adjustment be tentatively approved and the City Attorney be instructed to prepare the ordinance granting the change, for submission to the City Council at its regular meeting on July 3, at which time it will be known definitely whether the route for the new highway will go down East Avenue. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Pursuant to published notice thereof, the public hearing on the application of H. G. Linscomb for change in zoning of the following described property:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "D" Industrial District, to-wit:

Two areas north and south of Lyons Road west of Gunter Street described as follows: (1) north of Lyons Road at the intersection with the west line of Gunter Street; thence north-erly with the west line of said Gunter Street 300 feet; thence westerly to the west line

of 5-acre tract of Siegmund Estate; thence southerly to north line of Lyons Road; thence easterly with said north line of Lyons Road to place of beginning; (2) south of Lyons Road: All that part not now zoned "D" Industrial of the tract of land lying between the railroad right-of-way on the south, Lyons Road on the north, and the Ramsey tract on the west, in a triangular shape, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested person appeared to protest the proposed change.

Thereupon Councilman Thornberry moved that the hearing be closed and the recommendations of the Board of Adjustment be sustained and the change be granted, and the City Attorney be instructed to prepare an ordinance accordingly. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Pursuant to published notice thereof, the public hearing on the application of Paz and Rosa Villegas and Bernardino L. Salazar and Herminia C. Salazar to amend the Zoning Ordinance in the following particular :

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District, to-wit:

Lots 13 and 14, Block 3, Chernosky Subdivision No. 12, being located at the southwest corner of Prado and Tillery Street, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested person appeared to protest the proposed change.

Thereupon Councilman Thornberry moved that the hearing be closed and the recommendations of the Board of Adjustment be sustained and the change be granted, and the City Attorney be instructed to prepare an ordinance accordingly. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Pursuant to published notice thereof, the public hearing on the application of Ed DeVaughn and Isiah Washington to amend the Zoning Ordinance in the following particular :

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District, to-wit:

Lot 2, Block 3, Outlot 29, Division "B", Chernosky Subdivision No 4; and Lot 1, Lesiker Subdivision, being located at the corner of Clifford Avenue and East 14th Street, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested person appeared to protest the proposed change.

Thereupon Councilman Thornberry moved that the hearing be closed and the recommendations of the Board of Adjustment be sustained and the change be granted, and the City Attorney be instructed to prepare an ordinance accordingly. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of L. M. Lee for change in zoning, from "A" Residence District to "C" Commercial District of property known as 104 Brushy Street, was received. Councilman Bartholomew moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of Dr. A. H. Neighbors, Jr., for change in zoning, from "B" Residence District to "C" Commercial District, of Lots 1, 2, 3, 4, and 5, Block 8, Hyde Park, being known as 4413 and 4415 Avenue "A", was received. Councilman Bartholomew moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of Edwin M. Dezendorf for change in zoning, from "A" Residence District to "C" Commercial District of property known as the southeast corner of Manor Road and Maple Avenue, fronting 244 feet on Manor Road, was received. Councilman Bartholomew moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The Mayor called up for its second reading the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOTS 1, 2, 3, 4, 5, and 6, OUTLOT 52, BEING LOCATED ON THE NORTH SIDE OF WEST 25TH STREET IN THE 700 AND 800 BLOCKS, ALL IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the second time and Councilman Bartholomew moved that the rule be suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was then read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON A STRIP OF LAND 50 FEET IN WIDTH, FRONTING ON FREDERICKSBURG ROAD, EXTENDING FROM BLUFF STREET ON THE SOUTH TO THE NORTH

LINE OF BLUFF VIEW ADDITION, IN THE CITY OF AUSTIN,
TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE
MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED;
AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Bartholomew moved that the ordinance be passed to its third reading and laid over. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was then laid over for its third reading.

The Mayor called up for its second reading the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING PORTIONS OF PERRY LANE AND PARKCREST DRIVE, AS SHOWN IN PLAT BOOK 4, PAGE 299, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY.

The ordinance was read the second time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

The application of S. G. Garrett for change in zoning, from "B" Residence District to "C" Commercial District of 28,544 square feet out of the southwest corner of Outlot 22, Division "C", being located at the corner of 32nd and Red River Streets, was received. Councilman Johnson moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The Mayor called up for its second reading the following ordinance:

AN ORDINANCE AMENDING SECTION 12 AND 13,
OF AN ORDINANCE PASSED AND APPROVED BY THE
CITY COUNCIL OF THE CITY OF AUSTIN ON MARCH 7,
1946, AND RECORDED IN VOL. M, PAGE 127, OF
THE ORDINANCE RECORDS OF THE CITY OF AUSTIN,
BY FURTHER PROVIDING FOR THE POWERS AND DUTIES
OF THE CITY TAX ASSESSOR AND COLLECTOR AND
BOARD OF EQUALIZATION AND FOR THE FILING AND
HEARING OF PROTESTS OF CHANGES IN VALUATIONS;
AND DECLARING AN EMERGENCY.

The ordinance was read the second time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in connection with the widening and extending of East 7th Street, the City of Austin acquired Lot 5 of Pipkin Addition No. 4, a subdivision in the City of Austin, from George R. Davis and wife by deed dated May 19, 1947, of record in Volume 847, Page 420 of the Deed Records of Travis County, Texas; and

WHEREAS, the City of Austin has, in connection with the same project, acquired a portion of Lot 6 of the Pipkin Addition No. 4 from Grace Caruthers by deed dated June 4, 1947; and

WHEREAS, the City of Austin does not need a small segment, comprising one hundred sixty-five (165) square feet, out of Lot 5, acquired from George R. Davis and wife, and abutting the property of Grace Caruthers not sold to the City of Austin; and

WHEREAS, the said Grace Caruthers desires to acquire the 165 square feet of excess from Lot 5 and it is deemed advisable to convey said property to Grace Caruthers as part of the transaction by which a portion of Lot 6 is being acquired from the said Grace Caruthers; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to execute in behalf of the City a deed to Grace Caruthers, of Travis County, Texas, conveying to Grace Caruthers one hundred sixty-five (165) square feet of land, being a portion of Lot 5, Pipkin Addition No. 4, a subdivision of the east portion of Outlot 17, Division "A" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas; said 165 square feet of land being more particularly described by metes and bounds as follows:

Beginning at an iron stake in the west line of Springdale Road, said point of beginning being the northeast corner of Lot 5, and the southeast corner of Lot 6;

Thence with the west line of Springdale Road, same being the east line of said Lot 5, S. 30°13' W. 9.45 feet to an iron stake in the proposed north line of East 7th Street;

Thence with the proposed north line of East 7th Street N. 51°31' W. 35.36 feet to an iron stake in the north line of said Lot 5, same being the south line of Lot 6;

Thence with the common line between Lots 5 and 6, S. 67°00' E. 35.11 feet to the place of beginning.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in Book 4, page 30, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Joe C. Franzetti's Resubdivision of Block 5 in C. R. Johns Subdivision of Outlot 45, Division "B", within the City of Austin, Travis County, Texas; and

WHEREAS, upon said map or plat there appears various streets and alleys, one of which alleys herein referred to is 19.96 feet in width and being the alley one-half block north of and parallel to East 20th Street, and extending from Chicon Street to Salina Street; and

WHEREAS, said alley has never been opened to the public; and

WHEREAS, the owner of the property abutting said alley has requested the City Council of the City of Austin to close said alley; and

WHEREAS, said request has been reviewed and considered by the City Council of Austin; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That that certain alley 19.96 feet in width which is one-half block north of and parallel to East 20th Street and extending from Chicon Street to Salina Street be closed and vacated, except the City of Austin hereby retains utility easement rights in, upon, and across said alley.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, C. H. Toungate is the Contractor for the rebuilding of a building located at 810 East 5th Street and desires a portion of the sidewalk and street space abutting Lot 12, Block 1, Outlot 1, Division 0, of the Original City of Austin, Travis County, Texas, during the rebuilding of the building, such space to be used in the work and for the storage of materials therefor; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said C. H. Toungate, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Brushy Street to a point 12 feet east of the west curb line; thence in a southerly direction and parallel to the centerline of Brushy Street approximately 125 feet to a point; thence in a westerly direction and at right angles to the centerline of Brushy Street to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said C. H. Toungate, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

- (2) That the Contractor is permitted to construct in his working space a substantial gate, which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.
- (3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.
- (4) That "No Parking" signs shall be placed on the street side of the barricades.
- (5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.
- (6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.
- (7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.
- (8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.
- (9) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment, and other obstructions shall be removed not later than September 1, 1947.
- (10) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.
- (11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.
- (12) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.
- (13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages

to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in WEST 12TH STREET, from Dailey Street to Meriden Lane, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said West 12th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in MERIDEN LANE, from West 12th Street south 192 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Meriden Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in BRIDLE PATH, from a point 71 feet west of Schulle Avenue east to Schulle Avenue, the centerline of which gas main shall be $11\frac{1}{2}$ feet south of and parallel to the north property line of said Bridle Path.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in SCHULLE AVENUE, from Bridle Path northerly

106 feet, the centerline of which gas main shall be $11\frac{1}{2}$ feet west of and parallel to the east property line of said Schulle Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in MOFFETT DRIVE, from a point 155 feet north of Gilbert Street, south to Gilbert Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Moffett Drive.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in EAST 53RD STREET, from a point 98 feet west of Depew Avenue westerly 38 feet, the centerline of which gas main shall be 9 feet south of and parallel to the north property line of said East 53rd Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet .

(7) A gas main in WATERSTON AVENUE, from a point 301 feet east of Essex Avenue, easterly 190 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet south of and parallel to the north property line of said Waterston Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in EAST 51ST STREET, from a point 1684 feet east of Lancaster Court easterly 181 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said East 51st Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the land hereinafter described was sold to the City of Austin for taxes by Sheriff's deed dated September 9, 1903; and

WHEREAS, all taxes for which such sale was made have been fully paid; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute a quitclaim deed for and on behalf of the City of Austin to N. A. Dawson, whose title was sold to the City of Austin as above recited, and to his successors in title, conveying all of the right, title, and interest of the City of Austin in and to Lot 4, Block B, J. E. Bouldin Addition, in the City of Austin, Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

City Manager Morgan submitted a request in writing from Travis Post No. 76 of American Legion, for use of Zilker Springs for their July Fourth celebration. Councilman Bartholomew moved that the City Manager be instructed to grant the request. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

A resolution of the Medical Staff of Brackenridge Hospital expressing appreciation of the services of Dr. Z. T. Scott while Chief of Staff, was unanimously indorsed by the City Council.

The application of JAMES DAVID CLUCK, 217 West 8th Street, for a license to operate as a taxicab a 1940 Model Chevrolet Sedan, Body No.K-1815, Motor No. 2914480, State License No. JC-2417, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of MYRON F. SPIARS, 1904 East 1st Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1942 Model, Motor No. BA-111780, State License No. JB-8380, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of HERBERT E. SMITH, 2208 $\frac{1}{2}$ San Gabriel Street, for a license to operate as a taxicab a 1946 Model Chevrolet Sports Sedan, Motor No. 3DJD11764, State License No. JC-3996, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of MANUEL N. GARCIA, 803 $\frac{1}{2}$ East Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of WILLIAM GLYDE MONTGOMERY, Route 3, Box 314H, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of ROBERT WARREN BUTLER, 2208 $\frac{1}{2}$ San Gabriel Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of HERBERT EDWARD SMITH, 2208 $\frac{1}{2}$ San Gabriel Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of CLARENCE WALKER, Colored, 1807 East 19th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of the P.K.GRILL, 108 East 7th Street, by Tom Barnett, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of BIG FOX FOOD STORE, 405 Barton Springs Road, by J. E. Fox, for an off-premises beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The following application for private boat license, duly approved by the Navigation Board, was submitted:

Name of Owner

Description of Boat

John H. Lee, 1521 West 29th Street
Dixie, Outboard, 1941 Model,
Evinrude, 5-passenger

Councilman Bartholomew moved that the license be granted. The motion prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

A petition by citizens living on East 43rd Street between Harmon and Clarkson Streets, asking that a storm sewer and a street light be put in in this locality. The City Manager reported that the estimated cost of the storm sewer would be \$40,000.00, and the cost of the street light, \$275.00. It was the sense of the Council that the City Manager be directed to have the street light put in, but that construction of the storm sewer be deferred until funds are available.

City Manager Morgan submitted the appraisal figures on a triangular strip of land, consisting of 2.04 acres, lying between Calles Street and Pleasant Valley Road, and bordering Gonzales Street on the north, belonging to Walter Tips Company, which is needed for the East 7th Street extension project, and recommended that the City acquire same for a consideration of \$8,527.20. Councilman Thornberry moved that the recommendations of the City Manager be approved and he be instructed to purchase said property at the price stated. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

of cancelled bonds of the City of Austin was received and ordered filed;

" STATE OF TEXAS :
 COUNTY OF TRAVIS :
 CITY OF AUSTIN :

This is to certify that I have, on this 3rd day of June, 1947, as directed by a resolution passed by the City Council of the City of Austin, Texas, and in the presence of the undersigned attesting witnesses caused the following numbered and otherwise described cancelled bonds to be destroyed by cremation in the City Incinerator, together with sundry cancelled coupons paid by the City of Austin, Texas, on its bonded debt.

<u>YEAR DESCRIPTION</u>	<u>BONDS</u>		<u>INTEREST</u>	<u>TOTAL</u>
	<u>NUMBERS</u>	<u>AMOUNT</u>	<u>COUPONS</u>	
1910 School		\$	\$ 500.00	\$ 500.00
1915 Ridgetop School Dist.			250.00	250.00
1916 Refunding	1066			
	Less: 1167			
	1132-1170	39,000.00	2,018.75	41,018.75
1918 School	45-46	2,000.00	250.00	2,250.00
1918 Sewage Disposal Plant	136-140	2,500.00	1,625.00	4,125.00
1921 Hospital	21	1,000.00	600.00	1,600.00
1924 Incinerator	33-34	2,000.00	775.00	2,775.00
1924 School	148-159	12,000.00	17,425.00	29,425.00
1924 Water Filtration	161-173	13,000.00	6,650.00	19,650.00
1926 School	70-75	6,000.00	3,348.75	9,348.75
1928 Hospital	Jan. 1 43-46	4,000.00	2,422.50	6,422.50
1928 School	122-131	10,000.00	7,842.50	17,842.50
1928 Street Improvement	72-77	6,000.00	4,562.50	10,562.50
1928 Airport	31-32	2,000.00	1,975.00	3,975.00
1928 Fire Stations	30-32	3,000.00	2,020.00	5,020.00
1928 Parks & Playgrounds	30-32	3,000.00	2,017.50	5,017.50
1928 Hospital	Nov. 1 21-22	2,000.00	1,315.00	3,315.00
1928 Sanitary Sewer	18	1,000.00	318.75	1,318.75
1929 Street Improvement	5-1 191-207	17,000.00	16,055.00	33,055.00
1929 Sanitary Sewer	5-1 92-99	8,000.00	7,576.25	15,576.25
1929 Parks & Playgrounds	5-1 72-78	7,000.00	6,198.75	13,198.75
1929 Fire Stations	5-1 12	1,000.00	665.00	1,665.00
1929 Street Improvement	12-16 195-213	19,000.00	18,833.75	37,833.75
1929 Sanitary Sewer	12-16 59-63	5,000.00	5,438.75	10,438.75
1929 Parks & Playgrounds	12-16 50-54	5,000.00	4,678.75	9,678.75
1929 Abattoir	12-16 26-27	2,000.00	2,351.25	4,351.25
1931 Street Improvement	213-233	21,000.00	22,515.00	43,515.00
1931 Parks & Playgrounds	61-66	6,000.00	6,460.00	12,460.00
1931 Sanitary Sewer	32-34	3,000.00	3,206.25	6,206.25
1932 Library	42-45	4,000.00	5,350.00	9,350.00
1932 Fire Stations	14	1,000.00	1,825.00	2,825.00
1935 Public Market	30-33	4,000.00	1,760.00	5,760.00
1936 School	134-150	17,000.00	5,655.00	22,655.00
1936 Parks & Playgrounds	34-37	4,000.00	810.00	4,810.00
1937 Fire Stations	41-45	5,000.00	1,650.00	6,650.00
1938 School Refunding	36-40	5,000.00	900.00	5,900.00
1938 School	112-128	17,000.00	6,600.00	23,600.00
1939 School	95-111	17,000.00	5,842.50	22,842.50

<u>YEAR DESCRIPTION</u>	<u>NUMBERS</u>	<u>BONDS AMOUNT</u>	<u>INTEREST COUPONS</u>	<u>TOTAL</u>
1940 Hospital	95-114	\$ 20,000.00	\$ 6,760.00	\$26,760.00
1942 Airport	56-74	19,000.00	7,650.00	26,650.00
		<u>\$315,500.00</u>	<u>\$194,697.50</u>	<u>\$510,197.50</u>

Witnesses:

(Sgd) Guiton Morgan
City Manager

(Sgd) Frank Albrecht

" J. D. Huffman, Jr. "

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Tom Miller

Approved: _____
MAYOR

Attest:

Helene Miller

CITY CLERK